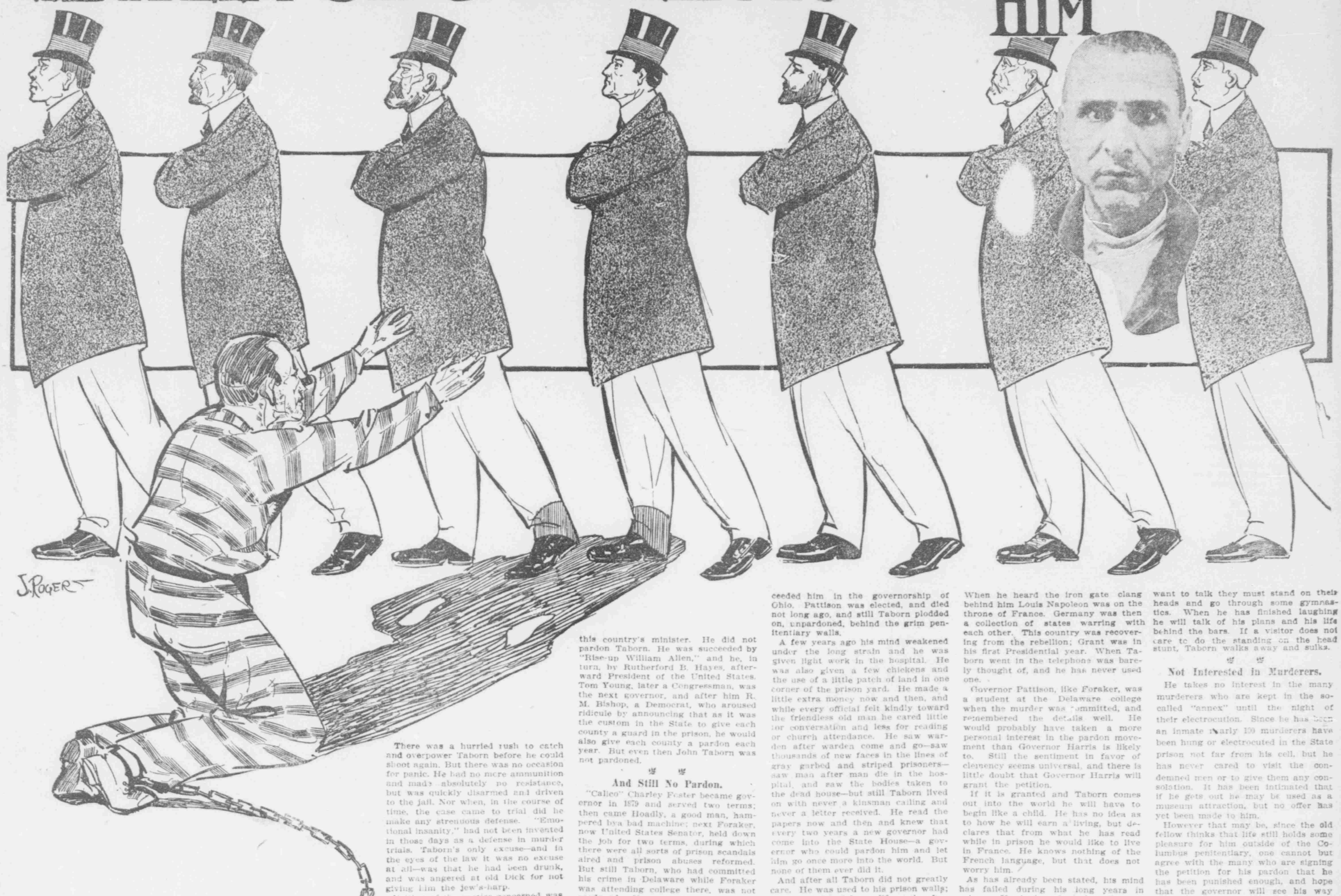
SIXTEEN OHIO GOVERNORS REFUSED TO PARDON HIM



In the Shadow of the Grave, John Taborn, America's Oldest Prisoner, Is Likely to Receive at Last the Pardon Denied Him Through Long Weary Years, When He Went Behind the Bars for a Murder Committed While Under the Influence of Whisky, Louis Napoleon Was On the Throne of France, Germany Was Merely a Collection of Warring States, and Grant Was in in His First Presidential Year.

IF the W. C. T. U., or any kindred organization, is looking for a terrible example with which to point their morals and adorn their tales, they have it in the story of John Taborn, the oldest prisoner in point of service in the United States. Taborn is now sixty years old, and since leading citizens are circulating petitions to be presented to the board of pardons in his behalf, hopes to end his days outside of prison walls. But thirty-seven of his sixty years have been spent in the Ohio penitentiary, paying the penalty of a murder which he certainly would never have committed had he been sober.

Delaware, Ohio, more or less famous as the birthplace of President Hayes, was the scene of Taborn's crime. He was twenty-three years old at the time and not considered a vicious man, except when he had been drinking. Then the veriest trifle would arouse him to a fury. And certainly it was the veriest trifle that stirred up his murderous passion that day 'way back in '69, with results fatal to Dick Grievous, and almost woree than fatal to himself, since most of us would prefer death to thirty-seven years in State's prison.

There was probably no thought of harm in his befuddled brain as he came reeling along the streets of the little Ohio town that day nearly two score years agone. And the sight of Dick Grievous playing on a jew's-harp in front of a little grocery store was not one to move any man to wrath. Taborn had no quarrel with Grievous, who was a negro hodcarrier. But the sound of the jew's-harp stirred him to emulation. He wanted to play it. He demanded it of Dick that he might play a tune as was a tune.

Fired at His Head.

Dick refused and went on playing, while the onlookers merely laughed at what they regarded as a drunken freak. Taborn left, and in a short time returned with an old army musket over his shoulder. Even then no one realized the drunken resentment that was smoldering in Taborn. No one for a moment dreamed he meant murder. Dick went on playing his jew's-harp even more vigorously than before. Then Taborn turned and discharged his old musket at the head of the player. It was loaded with slugs and nails and half the negro's head was torn away.

There was a hurried rush to catch and overpower Taborn before he could shoot again. But there was no occasion for panic. He had no more ammunition and made absolutely no resistance, but was quickly disarmed and driven to the jail. Nor when, in the course of time, the case came to trial did he make any strenuous defense. "Emotional insanity," had not been invented in those days as a defense in murder trials. Taborn's only excuse—and in the eyes of the law it was no excuse at all—was that he had been drunk, and was angered at old Dick for not giving him the jew's-harp.

Neither of the parties concerned was particularly prominent, and the case did not attract a great deal of attention at the time except among the colored residents of the town. The charge was murder in the first degree, but the element of premeditation was obviously lacking. No Delaware man had ever been hanged, and the good people of the town did not want that blot on their record. The religious element of the town interested themselves in saving him from the death penalty. So the sentence was life imprisonment, and it came to pass that thirty-seven years ago John Taborn passed through the gates of the Ohio State penitentiary, and was forgotten apparently of God and man.

Thought Been Dead.

If the world outside ever gave him a thought it probably supposed him dead. Occasionally some one visiting the prison had his attention called to Taborn's continued existence and half-hearted efforts were made to secure his release. But he had no kinsfolk in the county, and Colonel Reid, the lawyer who defended him, died years ago, so there seemed to be no one who was vitally interested in getting up a petition or asking for his pardon. Least of all, until just recently, was Taborn himself interested. He seemed timid, afraid to face the world, not knowing where he could go or what he could do outside of the prison which he had known so long. Probably had he himself been more anxious for a pardon some one of the sixteen governors who have held office while he has been in prison might have freed him. Now he has waked up and decided he wants his freedom. Petitions are being circulated, there is a feeling that he has been punished enough, and everybody is ready with his signature, and if Governor Harris sees fit to grant the pardon, he will within a few weeks be freed.

During the thirty-seven years that Taborn has been a prisoner in the Columbus penitentiary he has never once been out of his prison walls. He is the oldest prisoner in the United States, possibly in the world—not in years, but in length of service. He has gone about his tasks unmindful of what went on in the world outside of the high stone walls, which he, though a trusty, has never passed through.

Since Taborn donned the stripes there have been sixteen governors of Ohio. They have pardoned many criminals, imprisoned for many crimes, but they have never given a thought, apparently, to the forlorn, friendless old man, who in an insensate fit of drunken fury, had committed murder, because he wanted to play on a jew's-harp.

Jacob D. Cox was governor when Taborn was convicted. After serving his State as governor he served his country as Cabinet minister, and died not long ago in all the sanctity of prominent citizenship. He might have pardoned Taborn—though perhaps his term was a little too soon to expect such a thing. Then came Governor Noyes, who later went to France as this country's minister. He did not pardon Taborn. He was succeeded by "Rise-up William Allen," and he, in turn, by Rutherford B. Hayes, afterward President of the United States. Tom Young, later a Congressman, was the next governor, and after him R. M. Bishop, a Democrat, who aroused ridicule by announcing that as it was the custom in the State to give each county a guard in the prison, he would also give each county a pardon each year. But even then John Taborn was not pardoned.

And Still No Pardon.

"Calico" Charley Foster became governor in 1879 and served two terms; then came Hoadly, a good man, hampered by a bad machine; next Foraker, now United States Senator, held down the job for two terms, during which there were all sorts of prison scandals aired and prison abuses reformed. But still Taborn, who had committed his crime in Delaware while Foraker was attending college there, was not pardoned. Nor was he pardoned in Governor Campbell's time, nor yet in Governor McKinley's. McKinley became President, and was assassinated, and Bushnell, Nash, and Herrick succeeded him in the governorship of Ohio. Pattison was elected, and died not long ago, and still Taborn plodded on, unpardoned, behind the grim penitentiary walls.

A few years ago his mind weakened under the long strain and he was given light work in the hospital. He was also given a few chickens and the use of a little patch of land in one corner of the prison yard. He made a little extra money now and then, and while every official felt kindly toward the friendless old man he cared little for conversation and less for reading or church attendance. He saw warden after warden come and go—saw thousands of new faces in the lines of gray garbed and striped prisoners—saw man after man die in the hospital, and saw the bodies taken to the dead house—but still Taborn lived on with never a kinsman calling and never a letter received. He read the papers now and then and knew that every two years a new governor had come into the State House—a governor who could pardon him and let him go once more into the world. But none of them ever did it.

And after all Taborn did not greatly care. He was used to his prison walls; he hesitated to take up life again after so many years shut off from the activities of free men. More than a generation of Ohio history has been recorded since Taborn went into a living tomb. When he heard the iron gate clang behind him Louis Napoleon was on the throne of France. Germany was then a collection of states warring with each other. This country was recovering from the rebellion; Grant was in his first Presidential year. When Taborn went in the telephone was barely thought of, and he has never used one.

Governor Pattison, like Foraker, was a student at the Delaware college when the murder was committed, and remembered the details well. He would probably have taken a more personal interest in the pardon movement than Governor Harris is likely to. Still the sentiment in favor of clemency seems universal, and there is little doubt that Governor Harris will grant the petition.

If it is granted and Taborn comes out into the world he will have to begin like a child. He has no idea as to how he will earn a living, but declares that from what he has read while in prison he would like to live in France. He knows nothing of the French language, but that does not worry him.

As has already been stated, his mind has failed during his long years in prison. He is harmless, but there is no doubt that he has what the small boy calls "wheels."

When visitors come too see him he has an unvarying formula. If they want to talk they must stand on their heads and go through some gymnastics. When he has finished laughing he will talk of his plans and his life behind the bars. If a visitor does not care to do the standing on the head stunt, Taborn walks away and sulks.

Not Interested in Murderers.

He takes no interest in the many murderers who are kept in the so-called "annex" until the night of their electrocution. Since he has been an inmate nearly 100 murderers have been hung or electrocuted in the State prison not far from his cell, but he has never cared to visit the condemned men or to give them any consolation. It has been intimated that if he gets out he may be used as a museum attraction, but no offer has yet been made to him.

However that may be, since the old fellow thinks that life still holds some pleasure for him outside of the Columbus penitentiary, one cannot but agree with the many who are signing the petition for his pardon that he has been punished enough, and hope that the governor will see his way to setting John Taborn free and letting him see something of the progress the world has made during the three and a half decades since he passed out of it.

DOUBLE TROUBLE, By Herbert Quick,

Author of "In the Fairland of America."

(Continued from Sixth Page.)

fortitude depended all his future in the Order. He was marched to a ladder and bidden to ascend.

"I," said the Deacon Militant, "upon this companion stair will accompany you."

But there was no other ladder, and the Deacon Militant had to stand upon a chair.

Up the ladder labored Stevens, but, though he climbed manfully, he remained less than a foot above the floor. The ladder went down like a treadmill, as Stevens climbed—it was an endless ladder rolled down on Stevens' side and up on the other. The Deacon Militant, from his perch on the chair, encouraged Stevens to climb faster so as not to be outstripped. With labored breath and straining muscles he climbed, the Martyrs rolling on the floor in merriment all the more violent because silent. Amidon himself laughed to see this strenuous climb, so strikingly like human endeavor, which puts the climber out of breath, and raises him not a whit—except in temperature. At the end of perhaps five minutes, when Stevens might well have believed himself a hundred feet above the roof, he had achieved a dizzy height of perhaps six feet, on the summit of a stage-property mountain, where he stood beside the Deacon Militant, his view of the surrounding plain cut off by papier-mache clouds, and facing a foul fiend to whom the Deacon Militant confided that here was a candidate to be tested and qualified. Whereupon the foul fiend remarkjed "Ha, ha!" and bade them bind him to the Plutonian Thunderbolt and hurl him down to the nether world. The thunderbolt was a sort of toboggan on rollers, for which there was a slide running down presumably to the nether world, above mentioned.

The hoodwink was removed, and Stevens looked about him, treading wearily, like one on the top of a tower; the great height of the mountain made him giddy. Obediently he lay face downward on the thunderbolt, and yielded up his wrists and ankles to fastenings provided for them.

"They're not going to lower him with those cords, are they?"

It was a stage-whisper from the darkness which spake thus.

"Oh, I guess it's safe enough!" said another, in the same sort of agitated whisper.

"Safe!" was the reply. "I tell you, it's sure to break! Some one stop 'em——"

To the heart of the martyred Stevens these words struck panic. But as he opened his mouth to protest, the catastrophe occurred. There was a snap, and the toboggan shot downward. Bound as he was, the victim could see below him a brick wall right across the path of his descent. He was helpless to move; it was useless to cry out. For all that, as he felt in imagination the crushing shock of his head driven like a battering-ram against this wall, he uttered a roar such as from Achilles might have roused armed nations to battle. And even as he did so, his head touched the wall, there was a crash, and Stevens lay safe on a mattress after his ten-foot slide, surrounded by fragments of red-and-white paper which had lately been a wall. He was pale and agitated, and generally done for, but tremendously relieved when he had assured himself of the integrity of his cranium. This he did by repeatedly feeling of his head, and looking at his fingers for sanguinary results. As Amidon looked at him, he repented of what he had done to this thoroughly maltreated fellow man. After the Catacombs scene, which was supposed to be impressive, and some more of the "secret" work, everybody crowded about Stevens, now invested with the collar and "jewel" of Martyrhood, and laughed, and congratulated him as on some great achievement, while he looked half-pleased and half-bored. Amidon with the rest greeted him, and told him that after his vacation was over, he hoped to see him back at the office.

"That was a fine exemplification of the principles of the Order," said Alvord, as they went home.

"What was?" asked Amidon.

"Hiring old Stevens back," answered Alvord. "You've got to live your principles, or they don't amount to much."

"Suppose some fellow should get into a lodge," asked Amidon, "who had never been initiated?"

"Well," said Alvord, "there isn't much chance of that. I shouldn't dare to say. You can't tell what the fellows would do when such sacred things were profaned, you know. You couldn't tell what they might do!"

CHAPTER XIV.

The Treason of Isegrim the Wolf.

Then up and spake Reynard, the Fox, King Leo's throne before:
"My clients, haled before you, Sire, deserve not frown nor roar!
These flocks and herds and sties, dread lord, should thanks give for our care—
The care of Isegrim the Wolf, and Bruin strong, the Bear!
Its usefulness, its innocence, our Syndicate protests.
We crave the court's support for our legitimate interests!"
—An Appeal to King Leo.

The sifting of St. Peter
Seems quite credible to me,
When I see what's done to absentees
At our Society!
—Annals of Soresis.

Any business man will be able to appreciate the difficulties which beset the president of the Brassfield Oil Company, on the discharge of Mr. Stevens. On the morning after the lodge meeting, behold Mr. Amidon at his desk, contemplating a rising pile of unanswered letters. His countenance expressed defeat, despair, and aversion. His politeness toward Miss Strong is never-failing; but that he is not himself grows more and more apparent to that clear-headed young woman.

"Here's the third letter from the Bayonne refinery," she said. "An immediate reply is demanded."

"Oh, yes," said Amidon; "certainly; that has gone too long! We must get at that matter at once; let me see the contracts and correspondence."

"That is the business," said Miss Strong, "which they claim to have arranged with you in a conversation over the long-distance 'phone. That's what seems to be the matter with them—they want to make a record of it."

"I don't remember—— Well," said Amidon, "lay that by for a moment. And this piece of business with the A. B. & C. Railway. Who knows anything about this claim for demurrage?"

"Mr. Stevens," said Miss Strong, "had that in hand, and said he told you all about it before you went away, and that you were going to see about it in——"

"In New York, I suppose!" exclaimed Amidon. "Well, I didn't. Can't you and Mr. Alderson take up this pile of letters and bring 'em to me with the correspondence, and—and papers—and things? I've been too lax in the past, in not referring to the records. I must have the records, Miss Strong, in every case."

"Yes, sir," said Miss Strong; "but since we adopted that new system of filing, I don't see how the records can be made any fuller, or how you can be more fully acquainted with them than you now are——"

"Not at all," asseverated Mr. Amidon. "I find myself uncertain as to a great many things. Let's have the records constantly."

"Yes, sir, but these are cases where there isn't anything. Nobody but you and Mr. Stevens knows anything about them."

"Well, I can't answer them now," protested Mr. Amidon. "I've a headache! My—my mind isn't clear—is confused on some of these things; and they'll all have to wait a while. Who's that tapping? Oh, it's you, is it, Mr. Alderson—you startled me so that I—— Mr. Edgington here? Well, why don't you show him in? After luncheon, Miss Strong, you may come in again."

Mr. Edgington had a tightly-curled mustache, a pink flush on his cheeks, wore an obviously new sack suit, had a carnation in his buttonhole, came in with an air of marked hurry, and carried a roll of papers.

"I thought I must have a talk with you," said he, "on the evidence in that Bunn's Ferry land case. The time for taking evidence is rapidly passing, and the court warned us that it wouldn't be extended again. That proof you must furnish, or we shall be beaten."

"Yes—yes, I see," said Amidon, who knew absolutely nothing about the matter. "We should feel really annoyed by such a termination!"

"Annoyed!" exclaimed the lawyer. "Say, Lrassfield, that reminds me of Artemus Ward's statement that he was 'ashamed' when some one died! You'd lose the best wells you've got. And it would involve those transfers to the Waldrons, and might carry them down."

"The Waldrons!" exclaimed Florian.

"Why, I mean Miss Bessie and her aunt," said Edgington. "I mean bankruptcy—— But we've gone all over that before."

Amidon nodded, with an air of knowing all about the matter.

"Lots of times," said he. "And this evidence is——? Please give me the exact requirements—er, again."

"The exact requirements," said Edgington, "as I have frequently shown you, and without its doing much good, are to prove that some time in March, 1896, you did not make a partnership agreement with this man Corkery by which you were to share with him the proceeds of your oil-prospecting, and under which he went into possession of this tract of land. He has a line of testimony which shows that you did. Proving a negative is rather unusual, but about the only thing which will save you is an alibi. Now you must pardon the expression, but you've always evaded my questions as to your whereabouts prior to June of that year. You've never flatly denied Corkery's story, but if it weren't for the inherent improbability of it, I'd have given up the fight long ago, for you have not helped as a client should. You haven't confided——"

"But I will!" said Amidon, energetically. "The man's a perjurer, and I'll prove it! All that time I was in Wisconsin. I was—I'll prove where I was——"

(To Be Continued Next Sunday.)